IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE ELIPE DHARMA RAO**

**WRIT PETITION No.17775 of 1999**

Between:

B. Appa Rao S/o Achaiah
Stamp Vendor, Nunna Village, Vijayawada Registration District.
R/o.Vijayawada.

**..... PETITIONER**

AND

1 The District Registrar & Licencing Authority,

Vijayawada Registration District
Kalanagar, Patamata,
Vijayawada
2 The Joint Sub-Registrar-I (RO)
Vijayawada
3 The Commissioner & Inspector General of Registration and Stamps
NBK Estate, Musheerabad,
Hyderabad

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Certiorari, calling for the records relating to the issuance of the proceedings No.G6/1548/98 dated 4-8-99 from the file of the 1st Respondent and after perusing the same quash the said proceedings by declaring it as arbitrary, unjust and illegal and pass such other Order or Orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

**Counsel for the Petitioner: MR.V.JAGAPATHI**

**Counsel for the Respondents: GP FOR REVENUE**

**The Court at the admission stage made the following:**

**ORDER:**

The petitioner is said to be Stamp Vendor, having License No.4/88, dated 20.05.1988, granted by the 1st respondent. His license has been renewing from time to time. While so, the 1st respondent issued charge memo dated 05.12.1998 stating that the petitioner has been selling non judicial stamps with ante date with an intention to cause loss of revenue to the State and calling upon his explanation. The petitioner requested the 1st respondent to supply more information with regard to persons to whom he sold the stamps as the Stamps Sales Register was not available with him so as to submit his explanation to the charge memo dated 05.12.1998. The petitioner also got issued notice on 16.07.1999 to the 1st respondent to drop further action. He also made another representation on 05.08.1999 requesting the

1st respondent to supply Stamps Sales Register to enable him to submit his explanation. Without supplying the information, the 1st respondent issued the impugned proceedings No.G6/1548/98, dated 04.08.1999, cancelling his license No.4/88. Aggrieved by the action of the

1st respondent, the petitioner filed this writ petition seeking to set aside the impugned proceedings.

Heard the learned counsel appearing for the petitioner, and the learned Government Pleader appearing for the 1st respondent.

The learned counsel appearing for the petitioner submitted that at the time of admission of the writ petition, this Court passed interim suspension of the impugned proceedings on 06.09.1999, and subsequently the license of the petitioner was

renewed on 06.01.2003.

The learned Government Pleader for Revenue submitted that as against the impugned order, a statutory appeal is provided under Board Standing Order No.77 to the Inspector General of Stamps and Registration, and without availing that remedy, the petitioner straight away filed this writ petition.

The respondent ought to have given an opportunity to the petitioner to offer his explanation after furnishing the material required by him. The respondent issued the impugned proceedings in violation of natural justice. However, the license of the petitioner was renewed in pursuance of the interim orders dated 06.09.1999, passed by this Court.

In that view of the matter, the Writ Petition is allowed setting aside the impugned proceedings dated 04.08.1999. However, this order will not preclude the respondents to conduct regular enquiry against the petitioner and take appropriate action against him in accordance with law, if he finds fault in transacting his business. No order as to costs.

Dated: 10.06.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The District Registrar & Licensing Authority,

Vijayawada Registration District,

Kalanagar, Patamata, Vijayawada

2. The Joint Sub Registrar-I(RO)

Vijayawada

3. The Commissioner & Inspector

General of Registration and Stamps,

NBK Estate, Musheerabad, Hyderabad

4. Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad (OUT)

5. Two CD copies